

**Executive Summary – Enforcement Matter – Case No. 50846**  
**BASF TOTAL Petrochemicals LLC**  
**RN100216977**  
**Docket No. 2015-1086-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

BASF TOTAL FINA NAFTA REGION OLEFINS COMPLEX, located at Gate 99 on Farm-to-Market Road 366 at the intersection of Farm-to-Market Road 366 and State Highway 73 near Port Arthur, Jefferson County

**Type of Operation:**

Petrochemical plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** November 13, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$32,813

**Amount Deferred for Expedited Settlement:** \$6,562

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$13,126

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$13,125

Name of SEP: Southeast Texas Regional Planning Commission (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 50846**  
**BASF TOTAL Petrochemicals LLC**  
**RN100216977**  
**Docket No. 2015-1086-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** June 8, 2015

**Date(s) of NOE(s):** July 10, 2015

***Violation Information***

Failed to comply with the maximum allowable emission rate (“MAER”) for the Low-Pressure Flare, Emission Point Number (“EPN”) P-6. Specifically, the Respondent exceeded the volatile organic compounds (“VOC”) MAER of 2.49 tons per year based on the 12-month periods ending in July 2013 through September 2014, resulting in 0.55 ton of unauthorized VOC [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review Permit Nos. 41945, PSD-TX-950, and N-018, Special Conditions No. 1, and Federal Operating Permit No. O2629, Special Terms and Conditions No. 14].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. By February 27, 2014, implemented a periodic review of the flare load and updated operating procedures for the acetylene system to ensure a propylene pressure setpoint above the freezing point of water is maintained to reduce hydrate formation in the acetylene condenser, which results in high pressure and subsequent flaring to the Low-Pressure Flare, EPN P-6; and
- b. On October 1, 2014, demonstrated compliance with the VOC annual MAER, based on a rolling 12-month period, for the Low-Pressure Flare, EPN P-6.

**Technical Requirements:**

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 50846**  
**BASF TOTAL Petrochemicals LLC**  
**RN100216977**  
**Docket No. 2015-1086-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Kingsley Coppinger, Enforcement Division,  
Enforcement Team 4, MC 149, (512) 239-6581; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division,  
MC 219, (512) 239-3565

**Respondent:** Gregory Masica, Vice President - Site Manager, BASF TOTAL  
PETROCHEMICALS LLC, P.O. Box 2506, Port Arthur, Texas 77642

**Respondent's Attorney:** N/A



**Attachment A**  
**Docket Number: 2015-1086-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>BASF TOTAL Petrochemicals LLC</b>
<b>Penalty Amount:</b>	<b>Twenty-Six Thousand Two Hundred Fifty-One Dollars (\$26,251)</b>
<b>SEP Offset Amount:</b>	<b>Thirteen Thousand One Hundred Twenty-Five Dollars (\$13,125)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Southeast Texas Regional Planning Commission</b>
<b>Project Name:</b>	<b><i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i></b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely and properly; and arrange for any necessary repairs to new equipment under the 12-

BASF TOTAL Petrochemicals LLC  
Agreed Order - Attachment A

month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

## 2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission  
Attention: Pamela Lewis, Program Manager  
2210 Eastex Freeway  
Beaumont, Texas 77703

### 3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

### 4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

### 5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

## **6. Recognition**

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

## **7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	13-Jul-2015	<b>Screening</b>	17-Jul-2015	<b>EPA Due</b>	6-Jan-2016
	<b>PCW</b>	27-Aug-2015				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	BASF TOTAL Petrochemicals LLC				
<b>Reg. Ent. Ref. No.</b>	RN100216977				
<b>Facility/Site Region</b>	10-Beaumont		<b>Major/Minor Source</b>	Major	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	50846	<b>No. of Violations</b>	1
<b>Docket No.</b>	2015-1086-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Rachel Bekowies
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$18,750

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 100.0% Enhancement **Subtotals 2, 3, & 7** \$18,750

Notes Enhancement for two NOVs with same/similar violations, eight orders containing a denial of liability, and two orders without denial of liability. Reduction for one Notice of Intent to conduct an audit.

**Culpability** No 0.0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** -\$4,687

**Economic Benefit** 0.0% Enhancement\* **Subtotal 6** \$0

Total EB Amounts \$125  
Estimated Cost of Compliance \$2,000  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$32,813

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** \$32,813

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$32,813

**DEFERRAL** 20.0% Reduction **Adjustment** -\$6,562

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$26,251

Screening Date 17-Jul-2015

Docket No. 2015-1086-AIR-E

PCW

Respondent BASF TOTAL Petrochemicals LLC

Policy Revision 4 (April 2014)

Case ID No. 50846

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100216977

Media [Statute] Air

Enf. Coordinator Rachel Bekowies

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	8	160%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 219%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for two NOVs with same/similar violations, eight orders containing a denial of liability, and two orders without denial of liability. Reduction for one Notice of Intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 219%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%

Screening Date 17-Jul-2015

Docket No. 2015-1086-AIR-E

PCW

Respondent BASF TOTAL Petrochemicals LLC

Policy Revision 4 (April 2014)

Case ID No. 50846

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100216977

Media [Statute] Air

Enf. Coordinator Rachel Bekowies

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review Permit Nos. 41945, PSD-TX-950, and N-018, Special Conditions No. 1, and Federal Operating Permit No. 02629, Special Terms and Conditions No. 14

Violation Description

Failed to comply with the maximum allowable emission rate ("MAER") for the Low-Pressure Flare, Emission Point Number ("EPN") P-6. Specifically, the Respondent exceeded the volatile organic compounds ("VOC") MAER of 2.49 tons per year based on the 12-month periods ending in July 2013 through September 2014, resulting in 0.55 ton of unauthorized VOC.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 5

456 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$18,750

Five quarterly events are recommended for the period of non-compliance from July 1, 2013 through September 30, 2014.

## Good Faith Efforts to Comply

25.0%

Reduction \$4,687

Extraordinary

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Ordinary

N/A

Notes

X	

(mark with x)

The Respondent completed corrective action on October 1, 2014, prior to the July 10, 2015 Notice of Enforcement.

Violation Subtotal \$14,063

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$125

Violation Final Penalty Total \$32,813

This violation Final Assessed Penalty (adjusted for limits) \$32,813

# Economic Benefit Worksheet

**Respondent** BASF TOTAL Petrochemicals LLC  
**Case ID No.** 50846  
**Reg. Ent. Reference No.** RN100216977  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	1-Jul-2013	1-Oct-2014	1.25	\$125	n/a	\$125

### Notes for DELAYED costs

Estimated cost to implement a periodic review of the flare load and update operating procedures for the acetylene system to ensure a propylene pressure setpoint above the freezing point of water is maintained to reduce hydrate formation in the acetylene condenser, which results in high pressure and subsequent flaring to the Low-Pressure Flare, EPN P-6, and to demonstrate compliance with the VOC annual MAER, based on a rolling 12-month period, for the Low-Pressure Flare, EPN P-6. The Date Required is the initial date of non-compliance. The Final Date is the date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$125

The TCEQ is committed to accessibility.  
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

**PUBLISHED** Compliance History Report for CN604166967, RN100216977, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

<b>Customer, Respondent, or Owner/Operator:</b>	CN604166967, BASF TOTAL Petrochemicals LLC	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	20.47
<b>Regulated Entity:</b>	RN100216977, BASF TOTAL FINA NAFTA REGION OLEFINS COMPLEX	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	20.47
<b>Complexity Points:</b>	29	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	05 - Chemical Manufacturing				
<b>Location:</b>	AT GATE 99 ON FARM-TO-MARKET ROAD 366, AT THE INTERSECTION OF FARM-TO-MARKET ROAD 366 AND STATE HIGHWAY 73, NEAR PORT ARTHUR, TEXAS, JEFFERSON COUNTY				
<b>TCEQ Region:</b>	REGION 10 - BEAUMONT				

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER JE0843F  
**AIR OPERATING PERMITS** PERMIT 2629

**WASTEWATER** PERMIT WQ0004135000

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID  
TXR000039909

**AIR NEW SOURCE PERMITS** AFS NUM 4824500182

**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER JE0843F

**AIR NEW SOURCE PERMITS** PERMIT 41945

**AIR NEW SOURCE PERMITS** EPA PERMIT N018

**AIR NEW SOURCE PERMITS** EPA PERMIT N007M1

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX903M2

**AIR NEW SOURCE PERMITS** REGISTRATION 79052

**AIR NEW SOURCE PERMITS** REGISTRATION 81912

**AIR NEW SOURCE PERMITS** REGISTRATION 84227

**AIR NEW SOURCE PERMITS** REGISTRATION 109112

**AIR NEW SOURCE PERMITS** EPA PERMIT N018M2

**AIR NEW SOURCE PERMITS** REGISTRATION 95473

**AIR NEW SOURCE PERMITS** REGISTRATION 101222

**AIR NEW SOURCE PERMITS** REGISTRATION 97972

**AIR NEW SOURCE PERMITS** REGISTRATION 100060

**AIR NEW SOURCE PERMITS** REGISTRATION 101918

**AIR NEW SOURCE PERMITS** REGISTRATION 103760

**AIR NEW SOURCE PERMITS** REGISTRATION 118750

**AIR NEW SOURCE PERMITS** REGISTRATION 118986

**AIR NEW SOURCE PERMITS** REGISTRATION 120275

**AIR NEW SOURCE PERMITS** REGISTRATION 124227

**AIR NEW SOURCE PERMITS** REGISTRATION 133393

**AIR NEW SOURCE PERMITS** REGISTRATION 119760

**AIR NEW SOURCE PERMITS** REGISTRATION 125108

**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX3

**AIR NEW SOURCE PERMITS** REGISTRATION 109102

**AIR NEW SOURCE PERMITS** REGISTRATION 131427

**AIR NEW SOURCE PERMITS** REGISTRATION 111865

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER JE0843F

**AIR OPERATING PERMITS** PERMIT 2551

**POLLUTION PREVENTION PLANNING** ID NUMBER  
P06698

**WASTEWATER** EPA ID TX0119369

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE  
REGISTRATION # (SWR) 86596

**AIR NEW SOURCE PERMITS** PERMIT 36644

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX950

**AIR NEW SOURCE PERMITS** EPA PERMIT N007

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX903

**AIR NEW SOURCE PERMITS** REGISTRATION 76480

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX903M1

**AIR NEW SOURCE PERMITS** REGISTRATION 82105

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX903M3

**AIR NEW SOURCE PERMITS** EPA PERMIT N018M1

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX903M4

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX903M5

**AIR NEW SOURCE PERMITS** REGISTRATION 96596

**AIR NEW SOURCE PERMITS** REGISTRATION 97023

**AIR NEW SOURCE PERMITS** REGISTRATION 100466

**AIR NEW SOURCE PERMITS** REGISTRATION 100331

**AIR NEW SOURCE PERMITS** REGISTRATION 103757

**AIR NEW SOURCE PERMITS** REGISTRATION 107198

**AIR NEW SOURCE PERMITS** REGISTRATION 107854

**AIR NEW SOURCE PERMITS** REGISTRATION 129877

**AIR NEW SOURCE PERMITS** REGISTRATION 120771

**AIR NEW SOURCE PERMITS** REGISTRATION 110943

**AIR NEW SOURCE PERMITS** REGISTRATION 113825

**AIR NEW SOURCE PERMITS** REGISTRATION 122891

**AIR NEW SOURCE PERMITS** REGISTRATION 126179

**AIR NEW SOURCE PERMITS** REGISTRATION 109680

**AIR NEW SOURCE PERMITS** REGISTRATION 114757

**AIR NEW SOURCE PERMITS** REGISTRATION 107230

**AIR NEW SOURCE PERMITS** REGISTRATION 113001

**Compliance History Period:** September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** July 14, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** July 14, 2010 to July 14, 2015

## **TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Rachel Bekowies

**Phone:** (512) 239-2608

### **Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

### **Components (Multimedia) for the Site Are Listed in Sections A - J**

#### **A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 08/09/2010 ADMINORDER 2010-0137-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.110  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(a)  
5C THSC Chapter 382 382.085(b)  
Description: Failed to monitor the heat exchange system (cooling tower) properly to detect for leaks of hazardous air pollutants.
- 2 Effective Date: 09/26/2010 ADMINORDER 2010-0393-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: 36644/PSD-TX-903M2, Special Condition 1 PERMIT  
O-02965, General Terms and Conditions OP  
O-02965, Special Condition 6A OP  
Description: Failure to maintain the Carbon Monoxide (CO) and Nitrogen Oxides (NOx) emission rates at Boiler B-7280, Emission Point Number (EPN) N-24A, below the allowable emission limits.
- 3 Effective Date: 04/18/2011 ADMINORDER 2010-1318-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter C 115.241  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: O-02551, General Terms and Conditions OP  
Description: Failure to transfer or allow the transfer of gasoline from any stationary storage container into a motor vehicle fuel tank with an approved Stage II vapor recovery system.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: 36644/PSD-TX-903M2, Special Condition 1 PERMIT  
O-02551, General Terms and Conditions OP  
O-02551, Special Condition 11A OP  
Description: Failure to maintain the NOx emission rate at Cogeneration Train Unit 2 (EPN: N-20B) below the allowable emission limit.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 36644/PSD-TX-903M2, Special Condition 1 PERMIT

O-02551, General Terms and Conditions OP

O-02551, Special Condition 11A OP

Description: Failure to maintain the NOx and CO emission rates at Fresh Feed Cracking Furnace H-0900 (EPN: N-9) below the allowable emission limits.

4 Effective Date: 07/31/2011 ADMINORDER 2011-0073-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 41945, PSD-TX-950, SC 1 PERMIT

O-02629 GTC and SC8 OP

Description: Failed to maintain an emission rate below the MAER for VOC from the Low Pressure Flare (Emission Point Number P-6). Specifically, the Respondent exceeded the rolling 12-month MAER of 2.17 tons for VOC from April 2009 through February 2010, resulting in the unauthorized release of 4.03 tons of VOC.

5 Effective Date: 05/25/2012 ADMINORDER 2011-1403-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 36644/PSD-TX-903M3, SC 1 PERMIT

Special Conditions No. 1 PERMIT

Special Terms and Conditions No. 20 OP

Description: Failed to maintain compliance with NOx hourly MAER for Heater H-0900. Specifically, the heater exceeded the NOx MAER of 12.19 pounds per hour ("lb/hr") for a total of 48 hours on November 26 and 27, 2010, and February 17, 2011. The NOx emission rate ranged from 13.99 lb/hr to 19.21 lb/hr.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 36644/PSD-TX-903M3, SC30C PERMIT

SC No. 30.C. PERMIT

STC No. 20 OP

Description: Failed to use the correct reference temperature to determine the stack flow concentration based on the measured firing rate and British thermal unit ("Btu") content of the fuel for the following units (and Emission Point Nos.): Ethylene Cracking Furnaces (N-1 through N-9), Supplemental Boiler (N-14), the Cogeneration Trains (N-20A and N-20B), Boilers B-7280 (N-24) and B-7290 (N-24B), and the Thermal Oxidizer (N-19). The Respondent used a temperature of 60EF instead of the standard of 68EF to co

6 Effective Date: 04/07/2013 ADMINORDER 2012-1277-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 36644, Special Condition 1 PERMIT

O-02551, Special Condition 20 OP

Description: Failed to maintain compliance with the NOx hourly MAER for Boiler B-7290 (Emission Point No. N-24B). Specifically, Boiler B-7290 exceeded the NOx MAER of 4.25 lbs/hr on May 16, 2011 for four hours and on July 29, 2011 for one hour. The NOx emission rate ranged from 5.05 lbs/hr to 20.36 lbs/hr.

7 Effective Date: 08/26/2013 ADMINORDER 2012-1773-IWD-E (Findings Order-Agreed Order Without Denial)

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Permit Conditions No. 2.d PERMIT

Description: Failed to prevent the unauthorized discharge of industrial wastewater. During an investigation on May 25, 2012, TCEQ staff documented that approximately 1,190,000 gallons of water containing 785 pounds of free chlorine was discharged from the storm water pond, which is authorized to discharge only non-process area storm water runoff. The discharge went through Outfall No. 001 into Drainage District ("DD") 7 Lateral 1-A to the confluence of DD-7 Lateral 1-A with the DD-7 Atlantic Main Ditch r

8 Effective Date: 08/15/2014 ADMINORDER 2013-1835-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 36644 - SC1 PERMIT  
O-02551 - SC24A OP

Description: Failed to comply with the MAER of 17.65 lbs/hr of NOx for Cogeneration Unit 2, EPN N-20B.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 36644, SC 14 PERMIT  
O-02551, SC24A OP

Description: Failed to maintain the minimum net heating value for the Shielded Flare, EPN N-15A, and the Ground Flare, EPN N-15.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC1 PERMIT  
SC24A OP

Description: Failed to comply with the MAER of 13.60 lbs/hr of NOx for Boiler B-7240, EPN N-14.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC1 PERMIT  
SC24A OP

Description: Failed to comply with the MAER for the Flare System, EPNs N-15 and N-15A

9 Effective Date: 08/22/2014 ADMINORDER 2014-0303-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PA  
Special Condition 1 PERMIT  
Special Condition 24 A OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 101.99 pounds ("lbs") of VOC from the Thermal Oxidizer, EPN N-19, during an emissions event (Incident No. 186234) that began on August 1, 2013 and lasted five hours and twenty minutes. The emissions event occurred when the Thermal Oxidizer interlocked due to the introduction of liquid VOC fuel; the interlock caused the fuel gas valve to close automatically but the process streams were routed to the Thermal Oxidizer.



Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT  
SC 23 OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 256.49 pounds of volatile organic compounds from Emissions Point Number F-1, during an emissions event (Incident No. 197978) that occurred on May 7, 2014 and lasted five minutes. The emissions event occurred due to a leak at the suction strainer on the medium gasoline pump from the Charge Gas Compressor 2nd Stage.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	July 31, 2010	(829467)
Item 2	September 03, 2010	(849157)
Item 3	September 16, 2010	(864368)
Item 4	September 29, 2010	(849057)
Item 5	November 30, 2010	(877275)
Item 6	February 28, 2011	(899069)
Item 7	May 06, 2011	(915541)
Item 8	July 19, 2011	(921694)
Item 9	September 12, 2011	(951981)
Item 10	October 13, 2011	(949970)
Item 11	February 28, 2012	(983111)
Item 12	May 16, 2012	(1002244)
Item 13	September 18, 2012	(1031377)
Item 14	October 17, 2012	(1035687)
Item 15	October 29, 2012	(1034663)
Item 16	November 20, 2012	(1044058)
Item 17	November 30, 2012	(1043017)
Item 18	January 04, 2013	(1051857)
Item 19	February 05, 2013	(1043769)
Item 20	May 07, 2013	(1074674)
Item 21	May 13, 2013	(1088762)
Item 22	July 01, 2013	(1099043)
Item 23	February 03, 2014	(1144480)
Item 24	February 06, 2014	(1145006)
Item 25	May 27, 2014	(1166067)
Item 26	August 22, 2014	(1190425)
Item 27	September 15, 2014	(1086701)
Item 28	September 16, 2014	(1196081)
Item 29	May 04, 2015	(1247918)
Item 30	May 29, 2015	(1248203)
Item 31	June 04, 2015	(1254649)
Item 32	July 09, 2015	(1261660)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 08/22/2014 (1184680)	CN604166967
	Self Report? NO	Classification: Minor
	Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)	

30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5C THSC Chapter 382 382.085(b)

General Terms and Conditions OP  
SC 1A OP  
SC 2D PERMIT  
SC 34 PERMIT  
Special Condition (SC) 14 OP

Description: Failure to prevent open-ended line or valve without a cap, plug, second valve, or blind flange on one component.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.354(11)  
30 TAC Chapter 115, SubChapter D 115.354(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)(1)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
SC 14 OP  
SC 1A OP  
SC 9E, 9F, and 9G PERMIT

Description: Failure to conduct quarterly fugitive monitoring of 40 components.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.116(b)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to permit 40 components in VOC service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THSC Chapter 382 382.085(b)  
General Conditions OP

Description: Failure to report one deviation in a Semiannual Deviation Report.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
5C THSC Chapter 382 382.085(b)  
General Conditions OP

Description: Failure to accurately certify compliance in the Annual Certification for the periods ending February 28, 2013 and February 28, 2014.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
SC 14 OP  
SC 19D(1) PERMIT

Description: Failure to perform Audio, visual, olfactory (AVO) check for Ammonia leaks.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
SC 14 OP  
SC 16 PERMIT

Description: Failure to comply with the permitted CO and NOx limits.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter C 122.210(a)  
30 TAC Chapter 122, SubChapter C 122.217(a)(2)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to submit a permit revision application prior to operating a change.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Term and Conditions OP  
SC 21 PERMIT  
SC 24A OP  
Description: Failure to comply with the permitted CO and NOx limits.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
General Conditions OP  
Description: Failure to report 5 deviations in a Semiannual Devition Report.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
General Conditions OP  
Description: Failure to accurately certify compliance in the Annual Compliance Certification for the period ending February 28, 2013.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
SC 1A OP  
SC 24A OP  
SC 4B PERMIT  
SC 9E PERMIT  
Description: Failure to prevent open-ended lines or valves without a cap, plug, second valve, or blind flange on 3 components.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)  
30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)  
General Terms and Conditions OP  
SC 10 PERMIT  
SC 1A OP  
SC 24A OP  
SC 4B PERMIT  
SC 9E, 9F and 9G PERMIT  
Description: Failure to conduct quarterly fugitive monitoring of 1850 components in VOC service.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
SC 24 OP  
SC 25 PERMIT  
Description: Failure to analyze a cooling tower bag sample within 72 hours.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
SC 16A PERMIT  
SC 24A OP  
Description: Failure to comply with the permitted NOx parts per million (ppmvd) of 6 ppmvd for Cogeneration Unit 2 for a total of 26 hours.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

SC 21E PERMIT  
 SC 24A OP  
 Description: Failure to comply with permitted NH3 ppmvd limits.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 SC 19 PERMIT  
 SC 24A OP  
 Description: Failure to maintain the Thermal Oxidizer operating temperature above the minimum on three occasions.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 SC 20A PERMIT  
 SC 24A OP  
 Description: Failure to monitor the Carbon Adsorption System (CAS) on two occasions.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 SC 14 PERMIT  
 SC 1A OP  
 SC 24A OP  
 Description: Failure to maintain the minimum BTU/scf requirements for the vent gas being vented to the flare system.  
 Self Report? NO Classification: Major  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 SC 1 PERMIT  
 SC 24A OP  
 Description: Failure to comply with the emissions specified in SC 1 of Permit 36644. However, this exceedance was less than 1% of the operating period, and therefore is not significant.

2

Date: 07/10/2015 (1258843) CN604166967  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
 5C THSC Chapter 382 382.085  
 General Terms and Conditions OP  
 Special Condition 17 OP  
 Description: Failure to report all instances of deviations.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)  
 5C THSC Chapter 382 382.085(b)  
 SC 14 OP  
 SC 1A OP  
 SC 2D PERMIT  
 SC 9H PERMIT  
 Description: Failure to complete repair of a leaking component within 15 days.

**F. Environmental audits:**

Notice of Intent Date: 06/08/2011 (934631)  
No DOV Associated

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
BASF TOTAL PETROCHEMICALS  
LLC  
RN100216977

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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2015-1086-AIR-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding BASF TOTAL Petrochemicals LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petrochemical plant located at Gate 99 on Farm-to-Market Road 366, at the intersection of Farm-to-Market Road 366 and State Highway 73, near Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 15, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty-Two Thousand Eight Hundred Thirteen Dollars (\$32,813) is assessed by the Commission in settlement of the violations

alleged in Section II ("Allegations"). The Respondent has paid Thirteen Thousand One Hundred Twenty-Six Dollars (\$13,126) of the administrative penalty and Six Thousand Five Hundred Sixty-Two Dollars (\$6,562) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Thirteen Thousand One Hundred Twenty-Five Dollars (\$13,125) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. By February 27, 2014, implemented a periodic review of the flare load and updated operating procedures for the acetylene system to ensure a propylene pressure setpoint above the freezing point of water is maintained to reduce hydrate formation in the acetylene condenser, which results in high pressure and subsequent flaring to the Low-Pressure Flare, Emission Point Number ("EPN") P-6; and
  - b. On October 1, 2014, demonstrated compliance with the volatile organic compounds ("VOC") annual maximum allowable emission rate ("MAER"), based on a rolling 12-month period, for the Low-Pressure Flare, EPN P-6.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.



## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with the MAER for the Low-Pressure Flare, EPN P-6, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review Permit Nos. 41945, PSD-TX-950, and N-018, Special Conditions No. 1, and Federal Operating Permit No. O2629, Special Terms and Conditions No. 14, as documented during a record review conducted on June 8, 2015. Specifically, the Respondent exceeded the VOC MAER of 2.49 tons per year based on the 12-month periods ending in July 2013 through September 2014, resulting in 0.55 ton of unauthorized VOC.

## III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BASF TOTAL Petrochemicals LLC, Docket No. 2015-1086-AIR-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Thirteen Thousand One Hundred Twenty-Five Dollars (\$13,125) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

  
For the Executive Director

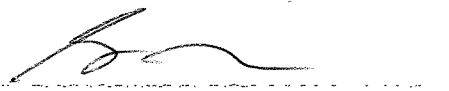
1/22/16  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

10-9-15  
Date

GREGORY M Muzik  
Name (Printed or typed)  
Authorized Representative of  
BASF TOTAL Petrochemicals LLC

VP SITE MANAGER  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.



**Attachment A**  
**Docket Number: 2015-1086-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>BASF TOTAL Petrochemicals LLC</b>
<b>Penalty Amount:</b>	<b>Twenty-Six Thousand Two Hundred Fifty-One Dollars (\$26,251)</b>
<b>SEP Offset Amount:</b>	<b>Thirteen Thousand One Hundred Twenty-Five Dollars (\$13,125)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Southeast Texas Regional Planning Commission</b>
<b>Project Name:</b>	<b><i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i></b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**a. Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely and properly; and arrange for any necessary repairs to new equipment under the 12-

BASF TOTAL Petrochemicals LLC  
Agreed Order - Attachment A

month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

## 2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission  
Attention: Pamela Lewis, Program Manager  
2210 Eastex Freeway  
Beaumont, Texas 77703

### 3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

### 4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

### 5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

## **6. Recognition**

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

## **7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.